

Hearing Date And Time: August 25, 2011 at 10:00 a.m. (prevailing Eastern time)  
Response Date And Time: August 18, 2011 at 4:00 p.m. (prevailing Eastern time)

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Reorganized Debtors

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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re	:	Chapter 11
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DPH HOLDINGS CORP., <u>et al.</u> ,	:	Case No. 05-44481 (RDD)
	:	
	:	(Jointly Administered)
Reorganized Debtors.	:	
	:	
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NOTICE OF REORGANIZED DEBTORS' MOTION UNDER 11 U.S.C. § 105 AND  
FED. R. BANKR. P. 9014 FOR LEAVE TO (I) SUPPLEMENT THE RECORD OF  
THE JUNE 21, 2011 HEARING AND (II) FILE THE REORGANIZED DEBTORS'  
STATEMENT REGARDING SERVICE OF THE FINAL EXTENSION MOTION

PLEASE TAKE NOTICE that on August 2, 2011, DPH Holdings Corp., on behalf of itself and certain of its affiliated reorganized debtors in the above-captioned cases (together with DPH Holdings, the "Reorganized Debtors"), filed a Motion Under 11 U.S.C. § 105 And Fed. R. Bankr. P. 9014 For Leave To (I) Supplement The Record Of The June 21, 2011 Hearing And (II) File The Reorganized Debtors' Statement Regarding Service Of The Final Extension Motion (the "Motion").

PLEASE TAKE FURTHER NOTICE that a hearing to consider approval of the Motion will be held on August 25, 2011 at 10:00 a.m. (prevailing Eastern time) (the "Hearing") before the Honorable Robert D. Drain, United States Bankruptcy Court for the Southern District of New York, 300 Quarropas Street, Courtroom 118, White Plains, New York 10601-4140.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the Motion must (a) be in writing, (b) conform to the Federal Rules of Bankruptcy Procedure, the Local Bankruptcy Rules for the Southern District of New York, the Supplemental Order Under 11 U.S.C. §§ 102(1) And 105 And Fed. R. Bankr. P. 2002(m), 9006, 9007, And 9014 Establishing Omnibus Hearing Dates And Certain Notice, Case Management, And Administrative Procedures, entered March 20, 2006 (Docket No. 2883) ("Supplemental Case Management Order"), and the Twenty-Third Supplemental Order Under 11 U.S.C. §§ 102(1) And 105 And Fed. R. Bankr. P. 2002(m), 9006, 9007, And 9014 Establishing Omnibus Hearing Dates And Certain Notice, Case Management, And Administrative Procedures, entered May 3, 2011 (Docket No. 21251) (together with the Supplemental Case Management Order, the "Case Management Orders"), (c) be filed with the Bankruptcy Court in accordance with General Order M-242 (as amended) – registered users of the Bankruptcy Court's case filing system must file electronically, and all other parties-in-interest must file on a 3.5 inch disk (preferably in Portable

Document Format (PDF), WordPerfect, or any other Windows-based word processing format), (d) be submitted in hard-copy form directly to the chambers of the Honorable Robert D. Drain, United States Bankruptcy Judge, and (e) be served upon (i) DPH Holdings Corp., 5725 Delphi Drive, Troy, Michigan 48098 (Att'n: President), (ii) counsel to the Reorganized Debtors, Skadden, Arps, Slate, Meagher & Flom LLP, 155 North Wacker Drive, Chicago, Illinois 60606 (Att'n: John Wm. Butler, Jr., John K. Lyons, Albert L. Hogan III, and Ron E. Meisler), (iii) the Office of the United States Trustee for the Southern District of New York, 33 Whitehall Street, Suite 2100, New York, New York 10004 (Att'n: Brian S. Masumoto), and (iv) counsel for the agent under the Debtors' former postpetition credit facility, Davis Polk & Wardwell, 450 Lexington Avenue, New York, New York 10017 (Att'n: Donald S. Bernstein and Brian M. Resnick) in each case so as to be **received** no later than **4:00 p.m. (prevailing Eastern time) on August 18, 2011.**

PLEASE TAKE FURTHER NOTICE that only those objections made as set forth herein and in accordance with the Case Management Orders will be considered by the Bankruptcy Court at the Hearing. If no objections to the Motion are timely filed and served in accordance with the procedures set forth herein and in the Case Management Orders, the Bankruptcy Court may enter an order granting the Motion without further notice.

Dated: New York, New York  
August 2, 2011

SKADDEN, ARPS, SLATE, MEAGHER  
& FLOM LLP

By: /s/ John Wm. Butler, Jr.  
John Wm. Butler, Jr.  
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155 North Wacker Drive  
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Attorneys for DPH Holdings Corp., et al.,  
Reorganized Debtors

Hearing Date And Time: August 25, 2011 at 10:00 a.m. (prevailing Eastern time)  
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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re	:	Chapter 11
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DPH HOLDINGS CORP., <u>et al.</u> ,	:	Case No. 05-44481 (RDD)
	:	
	:	(Jointly Administered)
Reorganized Debtors.	:	
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REORGANIZED DEBTORS' MOTION UNDER 11 U.S.C. § 105 AND FED. R. BANKR. P. 9014  
FOR LEAVE TO (I) SUPPLEMENT THE RECORD OF THE JUNE 21, 2011 HEARING AND  
(II) FILE THE REORGANIZED DEBTORS' STATEMENT REGARDING  
SERVICE OF THE FINAL EXTENSION MOTION

DPH Holdings Corp. ("DPH Holdings"), on behalf of itself and certain of its affiliated reorganized debtors in the above-captioned cases (together with DPH Holdings, the "Reorganized Debtors"), formerly known as Delphi Corporation ("Delphi") and certain of its subsidiaries and affiliates, former debtors and debtors-in-possession in the above-captioned cases (collectively, the "Debtors"), hereby submits this Motion Under 11 U.S.C. § 105 And Fed. R. Bankr. P. 9014 For Leave To (I) Supplement The Record Of The June 21, 2011 Hearing And (II) File The Reorganized Debtors' Statement Regarding Service Of The Final Extension Motion (the "Motion"), and respectfully represents as follows:

Background

1. On June 21, 2011, this Court heard oral argument on the Reorganized Debtors' Motion For Leave To File Amended Complaints (Docket No. 20575). During that hearing, this Court instructed the preference defendants that had not already done so, to submit affidavits or declarations regarding such "defendants' assertion of their facts as to notice" with respect to the Supplemental Postconfirmation Extension of Avoidance Action Service Deadline Motion (Docket No. 18952) (the "Final Extension Motion")<sup>1</sup> and for the Reorganized Debtors to respond to such affidavits. (Hr'g Tr. 310:14-16, Jun. 21, 2010).

Relief Requested

2. By this Motion, the Reorganized Debtors' request that this Court permit the Reorganized Debtors to file a statement, attached hereto as Exhibit A (the "Statement"), so as to supplement the information provided to the Court at the June 21, 2011, hearing, concerning notice of the Final Extension Motion. The Statement was prepared with assistance of counsel responsible for the service and prosecution of the Final Extension Motion.

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<sup>1</sup> Capitalized terms used and not defined in this statement have the meanings ascribed to them in the Final Extension Motion.

Basis for Relief

3. At the June 21, 2011, hearing, there apparently was some confusion regarding the scope of notice authorized by the Court with respect to the Final Extension Motion. Further, numerous preference defendants have now taken the position that service of the Final Extension Motion was improper. That assertion, however, is incorrect. The Debtors believe that the Statement will be helpful in demonstrating this fact by providing the complete history regarding service of the Final Extension Motion.

4. The Statement is also responsive to this Court's request that the Debtors submit information describing the "spectrum" of notice provided to the various preference defendants. (Hr'g Tr. 307-309; Jun. 21, 2010).

5. In accordance with the Court's request, the Reorganized Debtors' special counsel for avoidance actions will file an omnibus response responding to allegations in the preference defendants' declarations that such defendant did not receive notice of the Final Extension Motion. As set forth in the omnibus response, the preference defendants' objections regarding lack of notice of the Final Extension Motion should be overruled. In addition, the Reorganized Debtors are hereby requesting leave to file the Statement prepared with the assistance of counsel responsible for service and prosecution of the Final Extension Motion. The Reorganized Debtors believe that this statement provides a critical supplement to the notice information requested by the Court. The statement places the Final Extension Motion in context by describing the relevant proceedings over the course of more than two years that led to the motion, and demonstrates that limited service of the Final Extension Motion was both proper and transparent. Accordingly, the Court should grant the Reorganized Debtors request to file the statement and supplement the record concerning notice of the Final Extension Motion.

Notice

6. Notice of this Motion has been provided in accordance with the Supplemental Order Under 11 U.S.C. §§ 102(1) And 105 And Fed. R. Bankr. P. 2002(m), 9006, 9007, And 9014 Establishing Omnibus Hearing Dates And Certain Notice, Case Management, And Administrative Procedures, entered March 20, 2006 (Docket No. 2883), and the Twenty-Third Supplemental Order Under 11 U.S.C. §§ 102(l) And 105 And Fed. R. Bankr. P. 2002(m), 9006, 9007, And 9014 Establishing Omnibus Hearing Dates And Certain Notice, Case Management, And Administrative Procedures, entered May 3, 2011 (Docket No. 21251). Based on the information provided by special counsel handling the Adversary Proceedings, notice of this Motion was given to all remaining preference defendants currently subject to a pending Adversary Proceeding. In light of the nature of the relief requested, the Reorganized Debtors submit that no other or further notice is necessary.



WHEREFORE, the Reorganized Debtors respectfully request that this Court (a) permit the Reorganized Debtors to supplement the record with respect to the hearing held on June 21, 2011 and (b) permit the Reorganized Debtors to file a statement regarding service of the Final Extension Motion.

Dated: New York, New York  
August 2, 2011

SKADDEN, ARPS, SLATE, MEAGHER  
& FLOM LLP

By: /s/ John Wm. Butler, Jr.  
John Wm. Butler, Jr.  
John K. Lyons  
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Attorneys for DPH Holdings Corp., et al.,  
Reorganized Debtors

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In re : Chapter 11  
DPH HOLDINGS CORP., et al., : Case No. 05-44481 (RDD)  
Reorganized Debtors. : (Jointly Administered)  
-----X

ORDER PURSUANT TO 11 U.S.C. § 105 AND FED. R. BANKR. P. 9014 FOR  
LEAVE TO (I) SUPPLEMENT THE RECORD OF THE JUNE 21, 2011  
HEARING AND (II) FILE THE REORGANIZED DEBTORS' STATEMENT  
REGARDING SERVICE OF THE FINAL EXTENSION MOTION

Upon the motion, dated August 2, 2011 (the "Motion"),<sup>1</sup> of DPH Holdings Corp. ("DPH Holdings"), on behalf of itself and certain of its affiliated reorganized debtors in the above-captioned cases (together with DPH Holdings, the "Reorganized Debtors"), formerly known as Delphi Corporation ("Delphi") and certain of its subsidiaries and affiliates, former debtors and debtors-in-possession in the above-captioned cases (collectively, the "Debtors"), for entry of an order pursuant to 11 U.S.C. § 105 and Fed. R. Bankr. P. 9014 for leave to (i) supplement the record of the June 21, 2011 hearing and (ii) file the Reorganized Debtors' statement regarding service of the final extension motion; and it appearing that proper and adequate notice of the Motion has been given and that no other or further notice is necessary; and upon the record of the August 25, 2011 hearing on the Motion; and after due deliberation thereon; and good and sufficient cause appearing therefor, it is hereby

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<sup>1</sup> Capitalized terms used but not otherwise defined herein have the meanings given to them in the Motion.

ORDERED, ADJUDGED, AND DECREED THAT:<sup>2</sup>

1. This Court has core jurisdiction over these chapter 11 cases and the parties and property affected hereby to consider the relief described herein pursuant to 28 U.S.C. §§ 157 and 1334, article XIII of the First Amended Joint Plan Of Reorganization Of Delphi Corporation And Certain Affiliates, Debtors And Debtors-In-Possession (As Modified), and paragraphs FF and 56 of the Plan Modification Order, dated July 30, 2009 (Docket No. 18707). Venue of this proceeding and this Motion in this District is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The Motion is GRANTED.

3. This Court shall retain original and exclusive jurisdiction to hear and determine all matters arising from or relating to the implementation of this order.

Dated: White Plains, New York  
August \_\_\_\_, 2011

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UNITED STATES BANKRUPTCY JUDGE

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<sup>2</sup> Findings of fact shall be construed as conclusions of law and conclusions of law shall be construed as findings of fact when appropriate. See Fed. R. Bankr. P. 7052.